



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of:

JGB Enterprises, Inc.--Request for Reconsideration

File:

B-232759.2

Date:

December 29, 1988

DIGEST

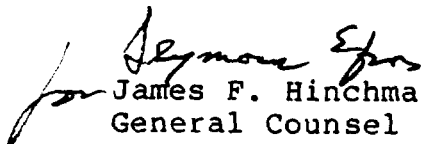
Decision to dismiss protest because protester failed to submit timely comments on the agency report is affirmed where protester's comments were filed later than 7 days after the conference date.

DECISION

JGB Enterprises, Inc. requests that we reconsider our decision to dismiss its protest of the Defense Logistics Agency's cancellation of request for proposals (RFP) No. DLA700-88-R-1841. We dismissed JGB's protest on November 28, 1988, because the protester failed to respond to the contracting agency's report within the time required under our Bid Protest Regulations, 4 C.F.R. Part 21 (1988).

We note at the outset that our dismissal notice incorrectly referenced 4 C.F.R. § 21.3(k), which requires that comments on the agency report be filed with our Office within 10 days of its receipt. Since in this instance a conference on the protest was held on November 9, section 21.5(a)(2) is applicable. That section provides that comments must be filed within 7 working days after the conference is held. Comments in this case were therefore due by November 21, as the parties were informed at the conference. The protester's comments were not received by our Office until November 29. They were therefore late, and the protest was properly dismissed.

Our decision to dismiss the protest is affirmed.


James F. Hinchman
General Counsel

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